

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANE DOE (ANONYMOUS),

Case No. 08 Civ. 4752

Plaintiff(s),

ANSWER

-against-

ANTHONY MARRACCINI, individually,
EDWARD LUCAS, individually, and RICHARD
LIGHT, individually,

Defendant(s),
-----X

Defendants, by and through their attorneys, FRIEDMAN, HARFENIST, LANGER
& KRAUT answering the complaint of the plaintiff, alleges as follows:

1. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.
2. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.
3. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 3 of the Complaint.
4. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 4 of the Complaint.
5. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 5 of the Complaint.
6. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 5 of the Complaint.
7. Denies any knowledge or information sufficient to form a belief as to the

allegation contained in Paragraph 7 of the Complaint.

8. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 8 of the Complaint.

9. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 9 of the Complaint.

a. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 9a of the Complaint.

b. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 9b of the Complaint.

c. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 9c of the Complaint.

10. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 10 of the Complaint.

11. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 11 of the Complaint.

12. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 12 of the Complaint.

13. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 13 of the Complaint.

14. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 14 of the Complaint.

15. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 15 of the Complaint.

16. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 16 of the Complaint.

a. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 16a of the Complaint.

b. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 16b of the Complaint.

17. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 17 of the Complaint.

18. Denies any knowledge or information sufficient to form a belief as to the allegation contained in Paragraph 18 of the Complaint.

19. Repeats, reiterates and realleges each and every denial heretofore stated with the same force and effect as if same were fully set forth at length herein.

20. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.

21. Repeats, reiterates and realleges each and every denial heretofore stated with the same force and effect as if same were fully set forth at length herein.

22. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.

23. Repeats, reiterates and realleges each and every denial heretofore stated with the same force and effect as if same were fully set forth at length herein.

24. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.

25. Repeats, reiterates and realleges each and every denial heretofore stated

with the same force and effect as if same were fully set forth at length herein.

26. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.

27. Repeats, reiterates and realleges each and every denial heretofore stated with the same force and effect as if same were fully set forth at length herein.

28. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.

29. Repeats, reiterates and realleges each and every denial heretofore stated with the same force and effect as if same were fully set forth at length herein.

30. Denies each and every allegation contained in the complaint, but leaves all questions of law to the Court.

AS AND FOR THE DEFENDANTS' FIRST AFFIRMATIVE DEFENSE

The Plaintiff has failed to properly make out a cause of action for injunctive relief under 42 USC §2000a.

AS AND FOR THE DEFENDANTS' SECOND AFFIRMATIVE DEFENSE

The actions taken by the Defendants were made in good faith, without malice and in conformity with any and all applicable laws.

AS AND FOR THE DEFENDANTS' THIRD AFFIRMATIVE DEFENSE

The actions complained of were in full accord with applicable State and Federal law.

AS AND FOR THE DEFENDANTS' FOURTH AFFIRMATIVE DEFENSE

Plaintiff's constitutional and statutory rights have not been violated by the named defendant herein.

AS AND FOR THE DEFENDANTS' FIFTH AFFIRMATIVE DEFENSE

That all arrests, questioning, gathering of evidence, investigations, searches and/or prosecutions were based on probable cause or were otherwise reasonable and justified as defined in the Penal Law and the Criminal Procedure Law.

AS AND FOR THE DEFENDANTS' SIXTH AFFIRMATIVE DEFENSE

The Defendants' actions are protected by the doctrine of qualified immunity.

AS AND FOR THE DEFENDANTS' SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to set forth any viable claims with the requisite specificity required under laws governing pleading.

AS AND FOR THE DEFENDANTS' EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to state any cause of action upon which relief may be granted.

AS AND FOR THE DEFENDANTS' NINTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to properly allege a municipal, policy, practice or procedure under *Monell v. Dep't of Social Serv.*, sufficient to maintain a cause of action against the municipal defendants and those sued in their official capacity.

Dated: Lake Success, New York
June 13, 2008

FRIEDMAN, HARFENIST, LANGER & KRAUT
Attorneys for the Defendants
3000 Marcus Avenue
Lake Success, New York 11042

By: 
Charles Horn (1886)

TO: Lovett & Gould, LLP
Attorneys for Plaintiffs
222 Bloomingdale Road
White Plains, New York 10605

STATE OF NEW YORK)
)ss.:
COUNTY OF NASSAU)

Patricia Tesoriero, being duly sworn, deposes and says:


Deponent is not a party to the action, is over 18 years of age and resides in Queens, New York.

On June 13, 2008, deponent served the within

ANSWER

upon the following person(s) herein by depositing true copies of same enclosed in properly addressed, post-paid wrapper(s), by regular mail in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York and forwarding same to:

TO: Lovett & Gould LLP
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605


Patricia Tesoriero

Sworn to before me this
13th day of June, 2008


NOTARY PUBLIC

DONNA J. BERLINGIERI
Notary Public, State of New York
No. 30-4993871
Qualified in Nassau County
Commission Expires Mar. 23, 2010